



2875

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Atty. Docket
NORBERT DICKEN ET AL. NL 010076
Serial No. 10/055,421 Group Art Unit 2875
Filed: January 22, 2002 Examiner: Choi, Jacob Y.
Title: LUMINAIRE

Commissioner for Patents
Alexandria, VA 22313-1450

PETITION TO WITHDRAW ABANDONMENT
UNDER MPEP SECTION 711.03(c)

Sir:

Applicant(s) hereby petition to withdraw the holding of abandonment as evidenced by the Notice of Abandonment mailed March 17, 2003 (copy attached).

The holding of abandonment is in error for the following reasons.

Applicant(s)' response to the final Office action dated April 29, 2003 was due October 29, 2003. The Request for Continued Examination with authorization to charge the required Fee to Assignee's Deposit Account, was mailed by Applicant(s) Attorney on July 29, 2003, was evidenced by the attached copy of the Request for Continued Examination (RCE) Transmittal, with Certificate of Mailing, and was received by the Patent Office on August 5, 2003, as evidenced by the attached copy of the

return receipt postcard.

Since all acts required of Applicant(s) to accomplish timely submission of the Request for Continued Examination have been carried out by Applicant(s), the holding of abandonment was in error, and Applicant(s) hereby petition for its withdrawal.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By Frank Keegan
Frank Keegan, Reg. 50,145
Attorney
(914) 333-9669
March 26, 2004

Enclosures: Copy of Abandonment
Copy of RCE Transmittal
Copy of Post Card of August 5, 2003

CERTIFICATE OF MAILING

It is hereby certified that this correspondence is being deposited with the
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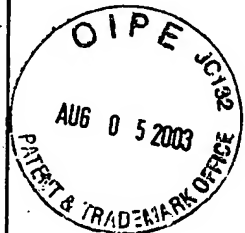
On March 29, 2004
By Burnett James



Mail Stop RCE
DOCKET NO. NL 010076 DIV. Keep SER. NO. 10/055,421

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Application	<input type="checkbox"/>	Amendment	<input type="checkbox"/>
Pages of		Issue Fee	<input type="checkbox"/>
spec., claims & abs.		Notice of Appeal	<input type="checkbox"/>
Con. Doc.	<input type="checkbox"/>	Extension	<input type="checkbox"/>
Drawings	Inf. <input type="checkbox"/>	Mailing Cert	<input checked="" type="checkbox"/>





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,421	01/22/2002	Norbert Dicken	PHNL 010076	7249

24737 7590 03/17/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

CHOI, JACOB Y

ART UNIT PAPER NUMBER

2875

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

POCKETED	DATE	INITIAL
COMPUTER	3/22/04	
SECRETARY	3/26/04	3/
	3/24/04	AC

04 MAR 19 AM 10:47

Notice of Abandonment

Application No.

10/055,421

Examiner

Jacob Y Choi

Applicant(s)

DICKEN ET AL.

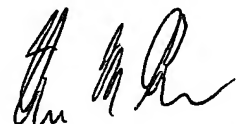
Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 07/15/2003.
- (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
- (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:
- examiner called the attorney, Paul M. Hietko, on 03/08/2004 and the attorney failed to respond in timely manner



THOMAS M. SEMBER
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

To Commissioner For Patents

Please enter the following submission and withdraw the finality of the proceeding office action or withdraw any pending appeal and reopen prosecution before the Examiner.

Application Number	10/055,421
Filing Date	January 22, 2002
First Named Inventor	Norbert Dicken
Group Art Unit	2875
Examiner Name	Jacob Y. Choi
Attorney Docket Number	PHNL 010076

This is an RCE under 37 C.F.R. § 1.114 of the above-identified application (which is made prior to: payment of issue fee; abandonment; notice of appeal to the CAFC; or commencement of civil action under 35 U.S.C. 145 or 146.)

1. **Submission required under 37 C.F.R. § 1.114**

a. ☒ Previously submitted

i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on June 16, 2003
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. ☐ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other _____ (may not be a brief)

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (May not exceed 3 months; Fee required per 37 C.F.R. § 1.117(i))

b. ☐ Other _____

3. **Fees**

a. ☒ The Commissioner For Patents is hereby authorized to charge all required fees except the issue fee or credit any overpayments, to Deposit Account No. 14-1270

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	FRANK KEEGAN	Registration No. (Attorney/Agent)	50,145
Signature	<i>Frank Keegan</i>	Date	7/29/03

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Alexandria, VA 22313, or facsimile transmitted to the U.S. Patent and Trademark Office tel#: _____ on the date below:

Name (Print Type)	EDNA CHAPA		
Signature	<i>Edna Chapa</i>	Date	7/29/03



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,421	01/22/2002	Norbert Dicken	PHNL 010076	7249

24737 7590 07/15/2003

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EXAMINER

CHOI, JACOB Y

ART UNIT PAPER NUMBER

2875

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

03 JUL 17 AM 9:58

Advisory Action	Application No. 10/055,421	Applicant(s) DICKEN ET AL.	
	Examiner Jacob Y Choi	Art Unit 2875	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

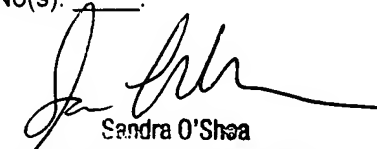
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 13-21 and 23-31.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


 Sandra O'Shea
 Supervisory Patent Examiner
 Technology Center 2800

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T-157 P.01 P-248

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Evanston, Illinois 60201
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**CONFIDENTIAL ATTORNEY-CLIENT
PRIVILEGED COMMUNICATION**

Date: JUNE 16, 2003

To: EXAMINER JACOB Y. CHOI
U.S. PATENT AND TRADEMARK OFFICE
Fax #: (703) 872-9319

From: FRANK C. NICHOLAS
Fax #: (847) 424-2521

Client/Matter No.: PHNL 010076 (7790/236)

of Pages: 16
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(Date of Deposit)

FRANK C. NICHOLAS (33,983)
Name of applicant, assignee or registered representative

Frank C. Nicholas
Signature

June 16, 2003
Date of Signature

PATENT
Case No. PHNL 010076
(7790/236)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
)
NORBERT DICKEN, ET AL.)
)
Serial No.: 10/055,421)
)
Filed: JANUARY 22, 2002)
)
For: LUMINAIRE)

Examiner: Choi, Jacob Y.

Group Art Unit: 2875

RESPONSE TO A FINAL OFFICE ACTION DATED APRIL 28, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to a Final Office Action dated April 28, 2003, please amend the
above-identified application as follows:

PC JUN 26 2003

S:/ke/PGD7KEAD.ECR

CCIDSV

AMENDMENTS TO THE CLAIMS

Claims 13-31 are currently pending in the application.

Please amend claims 13, 14, 19-21, 26, 27, 30 and 31 as shown below.

Please cancel claims 15, 16 and 22, as shown below.

The following listing of claims 1-31 will replace all prior versions, and listings, of claims in the application:

1.-12. (Cancelled)

13. (Currently Amended) A luminaire for illuminating an object, said luminaire comprising:

a first chamber for accommodating at least one tubular lamp; and

a second chamber defined by a light emission window, ~~and~~ a curtain, and a light transmitting side wall,

wherein, when that at least one tubular lamp is located within said first chamber, at least a portion of any light emitted by the at least one tubular lamp passes through said curtain into said second chamber with a first homogenous light distribution, and

wherein at least a portion of any light passing into said second chamber passes through said light emitting window with a second homogenous light distribution.

14. (Currently Amended) The luminaire of claim 13,

wherein, when the at least one tubular lamp is located with said first chamber, a first portion of said curtain is directly opposite a first tubular lamp of the at least one tubular lamp and a second portion is diagonal from the first tubular lamp; and

wherein a first light transmittance of said first portion of said curtain is less than a second light transmittance of said second portion of said curtain.

15. (Cancelled)
16. (Cancelled)
17. (Previously Added) The luminaire of claim 13,
wherein said curtain includes a calcium halophosphate material.
18. (Previously Added) The luminaire of claim 13,
wherein said curtain includes a calcium pyrophosphate material.
19. (Currently Amended) The luminaire of claim 13,
wherein said curtain ~~(21)~~ includes a fluoro-copolymer serving as a
binder.
20. (Currently Amended) A luminaire for illuminating an object, said
luminaire comprising:
 - a first chamber for accommodating at least one tubular lamp; and
 - a second chamber defined by a light emission window and a carrier
wall; and
 - a curtain disposed within said chamber,
wherein, when the at least one tubular lamp is located within said first
chamber, at least a portion of any light emitted by the at least one tubular lamp passes
through said carrier wall into said second chamber with a first homogenous light
distribution, and
 - wherein at least a portion of any light passing into said second chamber
passes through said light emitting window with a second homogenous light
distribution, and
 - wherein a first portion of said curtain is spaced from said carrier wall
and a second portion of said curtain is affixed to said carrier wall.

21. (Currently Amended) The luminaire of claim ~~22~~ 20,
~~wherein a first portion of said curtain is spaced from said carrier wall~~
~~and a second portion of said curtain is affixed to said carrier wall; and~~
wherein a first light transmittance of said first portion of said curtain is
less than a second light transmittance of said second portion of said curtain.

22. (Cancelled).

23. (Previously Added) The luminaire of claim 20,
wherein said second chamber is further defined by a side wall
including a light-transmitting material.

24. (Previously Added) The luminaire of claim 20,
wherein said curtain includes a calcium halophosphate material.

25. (Previously Added) The luminaire of claim 20,
wherein said curtain includes a calcium pyrophosphate material.

26. (Currently Amended) The luminaire of claim 20,
wherein said curtain ~~(24)~~ includes a fluoro-copolymer serving as a
binder.

27. (Currently Amended) A lighting system for illuminating an object, said lighting system comprising:

a first luminaire including a first homogenous light distribution chamber and a second homogenous light distribution chamber both defined by a first side wall, said second homogenous light distribution chamber further defined by a first light emission window;

a second luminaire including a third homogenous light distribution chamber and a fourth homogenous light distribution chamber both defined by a second side wall, said fourth homogenous light distribution chamber further defined by a second light emission window;

wherein, a first edge of said first light emission window lies against a second edge of said second light emission window; and

wherein said first side wall and said second side wall both include a light-transmitting material.

28. (Previously Added) The lighting system of claim 27, wherein said first side wall abuts said second side wall.

29. (Previously Added) The lighting system of claim 27, wherein said first side wall and said second side wall are integrated to form one side wall.

30. (Currently Amended) The lighting system of claim 27,
wherein said first luminaire includes a curtain disposed within said
second homogenous light distribution chamber;
wherein, when at least one tubular lamp is located within said first
homogenous light distribution chamber, at least a portion of any light emitted by the
at least one tubular lamp passes through said curtain into said second homogenous
light distribution chamber with a first homogenous light distribution; and
wherein at least a portion of any light passing into said second
homogenous light distribution chamber passes through said first light emitting
window with a second homogenous light distribution.

31. (Currently Amended) The lighting system of claim 27,
wherein said a second homogenous light distribution chamber is
further defined by a carrier wall;
wherein, when the at least one tubular lamp is located within said first
homogenous light distribution chamber, at least a portion of any light emitted by the
at least one tubular lamp passes through said carrier wall into said second
homogenous light distribution chamber with a first homogenous light distribution;
and
wherein at least a portion of any light passing into said second
homogenous light distribution chamber passes through said first light emitting
window with a second homogenous light distribution.

-- REMARKS --

In the Final Office Action, Examiner Choi objected to the drawings under 37 CFR § 1.83(a) for failing to show the features of pending claims 15 and 22. The Applicant has cancelled claims 15 and 22 herein. Withdrawal of the objection to the drawings is therefore respectfully requested.

Also in the Final Office Action, Examiner Choi objected to and rejected pending claims 13-31 on various grounds. The Applicant responds to each objection and rejection as subsequently recited herein:

- A. Examiner Choi objected to pending claim 31 for reciting "wherein said a second homogenous"

The Applicant amended claim 31 to recite "wherein said second homogenous" as instructed by Examiner Choi. Withdrawal of the objection of pending claim 31 is therefore respectfully requested.

- B. Examiner Choi rejected pending claims 13-31 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,161,880 to *Azuma*

The Applicant has thoroughly considered Examiner Choi's remarks concerning the patentability of claims 13-31 over *Azuma*. The Applicant has also thoroughly reread *Azuma*. The Applicant respectfully traverses the §103(a) rejection of pending claims 16, 21, and 27, because *Azuma* fails to disclose, teach or suggest "wherein a second chamber is further defined by a side wall including a light-transmitting material" as recited in claim 16, "wherein a first portion of said curtain is spaced from said carrier wall and a second portion of said curtain is affixed to said carrier wall" as recited in claim 21, and "wherein said first side wall and said second side wall both include a light-transmitting material" as recited in claim 27.

Specifically, the Applicant respectfully asserts that *Azuma* teaches away from removing spacer 29 to define a second chamber, because *Azuma* is predicated on using spacer 29 for establishing and maintaining a pre-determined space between curtain 28 and plate 30. See, *Azuma* at column 4, lines 20-25. Furthermore, *Azuma* discloses adhesive tapes 31 and 32 for maintaining a proper alignment of components 26-30 as illustrated in FIG. 4, and *Azuma* fails to disclose, teach or suggest adhesive tapes 31 and 32 including light-transmitting material. See, *Azuma* at column 3, lines 50-63. Additionally, a side surface of curtain 28 is wholly affixed to carrier wall 27 as illustrated in FIG. 4 of *Azuma*, and *Azuma* fails to disclose, teach or suggest a portion of curtain 28 being affixed to carrier wall 27 and another portion of curtain 28 being spaced from carrier wall 27.

The Applicant has cancelled dependent claim 16 herein and amended independent claim 13 herein to recite "a second chamber defined by a light emission window, a curtain, and a light transmitting side wall". Please note that on page 10 of the amendment of April 1, 2003, the Applicant mistakenly stated "In particular, *Azuma* teach a second chamber and side walls including a light-transmitting material", when in fact the Applicant intended to state "In particular, *Azuma* fails to teach a second chamber and side walls including a light-transmitting material".

The Applicant has also amended claims 20 and 21 herein for reciting "wherein a first portion of said curtain is spaced from said carrier wall and a second portion of said curtain is affixed to said carrier wall" within independent claim 20. The Applicant therefore respectfully requests a withdrawal of the rejection of independent claims 13, 20 and 27 under 35 U.S.C. §103(a) as being unpatentable over *Azuma*.

Claims 14 and 17-19 depend from amended independent claim 13. Therefore, dependent claims 14 and 17-19 include all of the elements and limitations of amended independent claim 13. It is therefore respectfully submitted by the Applicant that dependent claims 14 and 17-19 are allowable over *Azuma* for at least the same reason as set forth herein with respect to amended independent claim 13 being allowable

over *Azuma*. Withdrawal of the rejection of dependent claims 14 and 17-19 under 35 U.S.C. §103(a) as being unpatentable over *Azuma* is therefore respectfully requested.

Claims 21 and 23-26 depend from amended independent claim 20. Therefore, dependent claims 21 and 23-26 include all of the elements and limitations of amended independent claim 20. It is therefore respectfully submitted by the Applicant that dependent claims 21 and 23-26 are allowable over *Azuma* for at least the same reason as set forth herein with respect to amended independent claim 20 being allowable over *Azuma*. Withdrawal of the rejection of dependent claims 21 and 23-26 under 35 U.S.C. §103(a) as being unpatentable over *Azuma* is therefore respectfully requested.

Claims 28-31 depend from independent claim 27. Therefore, dependent claims 28-31 include all of the elements and limitations of independent claim 27. It is therefore respectfully submitted by the Applicant that dependent claims 28-31 are allowable over *Azuma* for at least the same reason as set forth herein with respect to independent claim 27 being allowable over *Azuma*. Withdrawal of the rejection of dependent claims 28-31 under 35 U.S.C. §103(a) as being unpatentable over *Azuma* is therefore respectfully requested.

C. Examiner Choi rejected pending claims 13-31 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,330,935 to *Tuck*.

The Applicant has thoroughly considered Examiner Choi's remarks concerning the patentability of claims 13-31 over *Tuck*. The Applicant has also thoroughly reread *Tuck*. The Applicant respectfully traverses the §103(a) rejection of pending claims 16, 21, and 27, because *Tuck* fails to disclose, teach or suggest "wherein a second chamber is further defined by a side wall including a light-transmitting material" as recited in claim 16, "wherein a first portion of said curtain is spaced from said carrier wall and a second portion of said curtain is affixed to said carrier wall" as recited in claim 21, and "wherein said first side wall and said second side wall both include a light-transmitting material" as recited in claim 27.

Specifically, *Tuck* fails to disclose, teach or suggest the inclusion of light-transmitting material in the side walls of housing 25 (FIG. 2) and housing 71 (FIG. 3). Moreover, the Applicant respectfully asserts that *Tuck* teaches away from the inclusion of light-transmitting material in the side walls of housing 25 and housing 71, because *Tuck* is predicated on using reflector 37 (FIG. 2) to focus a pre-determined amount of light emitted from bulb 36 sequentially through plates 29 and 19 into a building and on using the reflector illustrated in FIG. 3 to focus a pre-determined amount of light emitted from bulb 69 sequentially through plates 61 and 56 into a building. See, *Tuck* at column 3, lines 71-74. Furthermore, a light receiving side of plate 29 is wholly affixed to the carrier wall while the light exiting side of plate 29 is spaced from inner wall 28 to define a chamber as illustrated in FIG. 2 of *Tuck*, and a light receiving side of plate 61 is wholly affixed to the carrier wall 62 while the light exiting side of plate 61 is spaced from the inner wall to define a chamber as illustrated in FIG. 3 of *Tuck*. *Tuck* however fails to disclose, teach or suggest (1) a portion of the light receiving side of plate 29 being affixed to the carrier wall while another portion is spaced from the carrier wall and (2) a portion of the light receiving side of plate 61 being affixed to the carrier wall 62 while another portion is spaced from the carrier wall 62.

The Applicant has cancelled dependent claim 16 herein and amended independent claim 13 herein to recite "a second chamber defined by a light emission window, a curtain, and a light transmitting side wall". The Applicant has also amended claims 20 and 21 herein for reciting "wherein a first portion of said curtain is spaced from said carrier wall and a second portion of said curtain is affixed to said carrier wall" within independent claim 20. The Applicant therefore respectfully requests a withdrawal of the rejection of independent claims 13, 20 and 27 under 35 U.S.C. §103(a) as being unpatentable over *Tuck*.

Claims 14 and 17-19 depend from amended independent claim 13. Therefore, dependent claims 14 and 17-19 include all of the elements and limitations of amended independent claim 13. It is therefore respectfully submitted by the Applicant that dependent claims 14 and 17-19 are allowable over *Tuck* for at least the same reason as set forth herein with respect to amended independent claim 13 being allowable over *Tuck*. Withdrawal of the rejection of dependent claims 14 and 17-19 under 35 U.S.C. §103(a) as being unpatentable over *Tuck* is therefore respectfully requested.

Claims 21 and 23-26 depend from amended independent claim 20. Therefore, dependent claims 21 and 23-26 include all of the elements and limitations of amended independent claim 20. It is therefore respectfully submitted by the Applicant that dependent claims 21 and 23-26 are allowable over *Tuck* for at least the same reason as set forth herein with respect to amended independent claim 20 being allowable over *Tuck*. Withdrawal of the rejection of dependent claims 21 and 23-26 under 35 U.S.C. §103(a) as being unpatentable over *Tuck* is therefore respectfully requested.

Claims 28-31 depend from independent claim 27. Therefore, dependent claims 28-31 include all of the elements and limitations of independent claim 27. It is therefore respectfully submitted by the Applicant that dependent claims 28-31 are allowable over *Tuck* for at least the same reason as set forth herein with respect to independent claim 27 being allowable over *Tuck*. Withdrawal of the rejection of dependent claims 28-31 under 35 U.S.C. §103(a) as being unpatentable over *Tuck* is therefore respectfully requested.

D. Examiner Choi rejected pending claims 13-31 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,293,892 to *Plummer*

The Applicant has thoroughly considered Examiner Choi's remarks concerning the patentability of claims 13-31 over *Plummer*. The Applicant has also thoroughly reread *Plummer*. The Applicant respectfully traverses the §103(a) rejection of pending claims 16, 21, and 27, because *Plummer* fails to disclose, teach or suggest "wherein a second chamber is further defined by a side wall including a light-transmitting material" as recited in claim 16, "wherein a first portion of said curtain is spaced from said carrier wall and a second portion of said curtain is affixed to said carrier wall" as recited in claim 21, and "wherein said first side wall and said second side wall both include a light-transmitting material" as recited in claim 27.

Specifically, *Plummer* fails to disclose, teach or suggest the inclusion of zoom-lighting apparatus 10 as evidenced FIG. 8. Moreover, the Applicant respectfully asserts that *Plummer* teaches away from the inclusion of light-transmitting material zoom-lighting apparatus 10, because such an inclusion would impede *Plummer*'s objective of emitting a collimated light beam. See, *Plummer* at column 2, lines 53-60 and column 5, lines 26-40. Furthermore, *Plummer* discloses curtain 34, light emission window 36 and side wall of light control section 26 for defining the second chamber as illustrated in FIG. 2, and *Plummer* fails to disclose, teach a carrier wall in conjunction with light emission window 36 and side wall of light control section 26 for defining the second chamber.

The Applicant has cancelled dependent claim 16 herein and amended independent claim 13 herein to recite "a second chamber defined by a light emission window, a curtain, and a light transmitting side wall". The Applicant has also amended claims 20 and 21 herein for reciting "wherein a first portion of said curtain is spaced from said carrier wall and a second portion of said curtain is affixed to said carrier wall" within independent claim 20. The Applicant therefore respectfully requests a withdrawal of the rejection of independent claims 13, 20 and 27 under 35 U.S.C. §103(a) as being unpatentable over *Plummer*.

Claims 14 and 17-19 depend from amended independent claim 13. Therefore, dependent claims 14 and 17-19 include all of the elements and limitations of amended independent claim 13. It is therefore respectfully submitted by the Applicant that dependent claims 14 and 17-19 are allowable over *Plummer* for at least the same reason as set forth herein with respect to amended independent claim 13 being allowable over *Plummer*. Withdrawal of the rejection of dependent claims 14 and 17-19 under 35 U.S.C. §103(a) as being unpatentable over *Plummer* is therefore respectfully requested.

Claims 21 and 23-26 depend from amended independent claim 20. Therefore, dependent claims 21 and 23-26 include all of the elements and limitations of amended independent claim 20. It is therefore respectfully submitted by the Applicant that dependent claims 21 and 23-26 are allowable over *Plummer* for at least the same reason as set forth herein with respect to amended independent claim 20 being allowable over *Plummer*. Withdrawal of the rejection of dependent claims 21 and 23-26 under 35 U.S.C. §103(a) as being unpatentable over *Plummer* is therefore respectfully requested.

Claims 28-31 depend from independent claim 27. Therefore, dependent claims 28-31 include all of the elements and limitations of independent claim 27. It is therefore respectfully submitted by the Applicant that dependent claims 28-31 are allowable over *Plummer* for at least the same reason as set forth herein with respect to independent claim 27 being allowable over *Plummer*. Withdrawal of the rejection of dependent claims 28-31 under 35 U.S.C. §103(a) as being unpatentable over *Plummer* is therefore respectfully requested.

SUMMARY

Examiner Choi's objection and § 103(a) rejections of claims 13-31 have been obviated by the amendment herein of claims 13, 14, 17-21, 26, 27, 30 and 31 and cancellation herein of claims 15, 16 and 22. The Applicant respectfully submits that claims 13, 14, 17-21, and 23-31 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Choi is respectfully requested to contact the undersigned at the telephone number listed below.

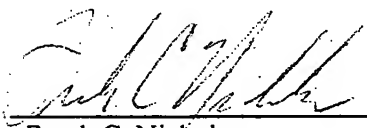
Dated: June 16, 2003

Respectfully submitted,
Norbert Dicken, *et al.*

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Attorney Docket No.	PR 010076 (7790/236)
Application Number	10/055,421
Filing Date	JANUARY 22, 2002
First Named Inventor	NORBERT DICKEN
Group Art Unit	2875
Examiner	CHOI, JACOB Y.

ENCLOSURES (check all that apply)

- ☒ Response to a Final Office Action
Dated April 28, 2003
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Status Letter
- ☐ Petition for Extension of Time
Request (duplic)
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement,
PTO-1449, art
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/
Incomplete Application

- ☐ Assignment Papers
(for an Application)
- ☐ Drawings:
- ☐ After Allowance Communication to
Group
- ☐ Petition Routing Slip (PTO/SB/69) and
Accompanying Petition
- ☐ To Convert a
Provisional Application
- ☐ Power of Attorney, Revocation Change
of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Small Entity Statement
- ☐ Request of Refund

- ☐ Appeal Communication to Board of
Appeals and Interferences
- ☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Post Card Receipt
- ☐ Additional Enclosure(s)
(please identify below):

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any
overpayment, to Deposit Account No. 50-1713. A duplicate copy of this sheet is enclosed.

☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper
is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit
Account No. 50-1713. A duplicate copy of this sheet is enclosed.

CALCULATION OF FEE

	Claims After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		0
Indep.		Minus		0

First Presentation of Multiple Dep. Claim

Small Entity	
Rate	Add'l Fee
x \$9=	0
x \$42	0
+ \$140	—
total add'l fee	
\$ 0	

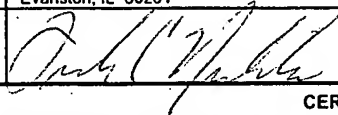
Large Entity	
Rate	Add'l Fee
x \$18=	
x \$84	
+ \$280=	
total add'l fee	
\$	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

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Signature



Date

June 16, 2003

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted via facsimile to (703) 872-9319
to the United States Patent and Trademark Office on this date:

June 16, 2003

Signature

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Date: June 16, 2003